

REMARKS

Claims 1-9 and 11-20 are pending in the subject patent application. Claims 1, 6-8, 12, 13, 16 and 17 have been amended. Claim 10 has been canceled. New Claim 20 has been added. Applicant respectfully requests consideration of the claims in view of the amendments made herein and the remarks provided below.

Claim Rejections – 35 U.S.C. § 102(b), Claims 1-19

In the October 6, 2004 Office Action, Claims 1-19 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,870,684 to Hoashi et al. (hereinafter referred to as “Hoashi et al.”). For the following reasons Applicant respectfully disagrees.

Hoashi et al. disclose a “radio communication apparatus” that counts the number of attempts a call is transmitted to the radio communication apparatus before a user of the radio communication apparatus responds to the call. Each time the call is received but not answered by the radio communication apparatus, the volume of an alert tone is increased.

By contrast, independent Claim 1 of the present invention claims a *telephone* having a “*ring detect circuit* operable to detect electric *ring signals* received by *tip and ring terminals* of the telephone”; a “*microprocessor* configured to receive notification that electric ring signals have been detected by said ring detect circuit; and a “*ringer option switch* having a *crescendo setting* that signals the microprocessor to generate ringer control signals”.

Comparing Claim 1 of the present invention to the “radio communication apparatus” disclosed by Hoashi et al. reveals the following important distinctions. First, Hoashi et al. do not disclose a “telephone” having a “ring detect circuit” as claimed in Claim 1. The “ring detect circuit” in Claim 1 is “operable to detect electric ring signals received by tip and ring terminals of the telephone”. The Hoashi et al. apparatus does not have a “ring detect circuit” that detects “ring signals”, let alone a ring detect circuit that receives ring signals at “tip and ring terminals”. Accordingly, Hoashi et al. do not teach the “ring detect circuit” element of Claim 1. These same, or substantially the same, distinctions are also applicable to the rejections of independent Claims 6, 7, 12, 13, 16, 17 and 20.

Second, the Hoashi et al. apparatus does not have a microprocessor that is “configured to receive notification that electric ring signals have been detected by said ring detect circuit”. Whereas the Hoashi et al. apparatus does have a controller 104 that “controls the receiver 101, transmitter 102 and memory” of the apparatus (*see* col. 3, lines 30-31), that controller does not “receive notification that electric ring signals have been detected by [a] ring detect circuit”. Accordingly, Hoashi et al. do not teach the “microprocessor” element of Claim 1. These same, or substantially the same, distinctions are also applicable to the rejections of independent Claims 6, 7, 12, 13, 16 and 17.

Third, Hoashi et al. do not disclose a telephone that includes a “ringer option switch” having a “crescendo setting that signals the microprocessor to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call.” Indeed, not only do Hoashi et al. not disclose any type of “ringer option

switch”, the Hoashi et al. apparatus does not have a ringer option switch that “signals the microprocessor to generate ringer control signals corresponding to the electric ring signals of the singular incoming telephone call”, as the telephone claimed in Claim 1 does. These same, or substantially the same, distinctions are also applicable to the rejections of independent Claims 6, 7, 8, 11, 13 and 17.

Fourth, with respect to independent Claim 6 in particular, Hoashi et al. do not disclose a “crescendo setting means for signaling the microprocessor to generate a succession of ringer control signals” that “correspond[] to the detected electric ring signals of the singular incoming telephone call”. The Hoashi et al. wireless apparatus does include means for increasing the volume of an alert tone after an available call directed to the apparatus is not responded to by a user of the apparatus. However, this is unlike the “crescendo setting means” which operates to generate volume steps on *each* incoming call. The Hoashi et al. apparatus does not have any structure that performs this function. Indeed, the Hoashi et al. apparatus provides only a single-level volume (*i.e.*, no crescendo effect) for each incoming call.

Fifth, regarding independent Claim 7 in particular, Hoashi et al. do not disclose “a displayable menu system...having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option”. Despite what is asserted in the Office Action, Hoashi et al. is completely silent concerning any type of “displayable menu system”, let alone a displayable menu system having a menu key, which when activated “provides a user with one or more ringer options, including a crescendo ringing option”.

Sixth, regarding independent Claim 8 in particular, Hoashi et al. does not disclose an “audible ring generating device” that is “operable to generate a succession of audible ring signals characterized by a gradually increasing volume, said succession of audible ring signals corresponding to a succession of electrical ring signals of a singular incoming call received on the tip and ring terminals of said telephone”. Not only does the Hoashi et al. apparatus not deal with “ring signals”, it does not receive a “succession of electrical ring signals of a singular incoming call” on “tip and ring terminals”. Still further, Hoashi et al. does not disclose an “audible ring generating device” that is “operable to generate a succession of audible ring signals characterized by a gradually increasing volume,” where “said succession of audible ring signals correspond[s] to a succession of electrical ring signals of a *singular* incoming call”. Increases in the volume of the alert tone in the Hoashi et al. apparatus do not derive from the same incoming call.

Seventh, regarding independent Claim 11 in particular, Hoashi et al. do not describe a telephone having an “electronic telephone tone ringer coupled between tip and ring terminals of the telephone”. The Hoashi et al. apparatus not only does not have an “electronic tone ringer”, it is, unlike the telephone claimed in Claim 11, a “radio communication” device lacking “tip and ring” terminals.

Eighth, regarding independent Claim 12 in particular, Hoashi et al. do not teach a method having a step of “detecting a sequence of telephone electrical ring signals from a telephone line”. The Hoashi et al. apparatus is a “radio communication” apparatus and, consequently, does not detect ring signals from a telephone line. Moreover, Hoashi et al. do not teach “generating a sequence of audible ring signals” using a “sequence of

telephone electrical ring signals associated with a singular incoming telephone call”, where “at least one audible ring signal of said sequence of audible ring signals ha[s] a volume that is greater than a preceding audible ring signal of said sequence of audible ring signals”, as Claim 11 claims. Again, the Hoashi et al. apparatus does not deal with “ring signals”. For at least this reason it cannot generate a sequence of ringer control signals from them as Claim 11 requires. Moreover, Hoashi et al. do not teach that “at least one audible ring signal of [the] sequence of audible ring signals” has “a volume that is greater than a preceding audible ring signal”. Claim 1 is clear in that the recited “sequence of audible signals” corresponds to telephone electrical signals associated with a *singular* incoming telephone call”. Increases in the volume of the alert tone in the Hoashi et al. apparatus derive from multiple calls being attempted to the apparatus. In other words, and as explained above, the Hoashi et al. apparatus provides only a single-level volume (*i.e.*, no crescendo effect) for each singular incoming call. Substantially the same reasons as to why Claim 12 is not anticipated by Hoashi et al. apply to Claim 16.

Ninth, regarding independent Claim 13 in particular, Hoashi et al. do not teach a method having a step of “detecting a sequence of electrical ring signals arriving on a telephone line, said sequence of electrical ring signals associated with a singular incoming telephone call” or of “generating a sequence of audible ring signals corresponding to the detected sequence of electrical ring signals, a first of said sequence of audible ring signals having a first volume and one or more subsequent audible ring signals having a volume that is greater than the first volume”. Reasons for this have already been discussed in detail above. Further, Hoashi et al. do not teach “determining

whether a ringer option switch is set to a crescendo setting”. Neither a “ringer option switch” nor a ringer option switch having a “crescendo setting” are disclosed by Hoashi et al. Substantially the same reasons as to why Claim 12 is not anticipated by Hoashi et al. apply to Claim 17.

Dependent Claims

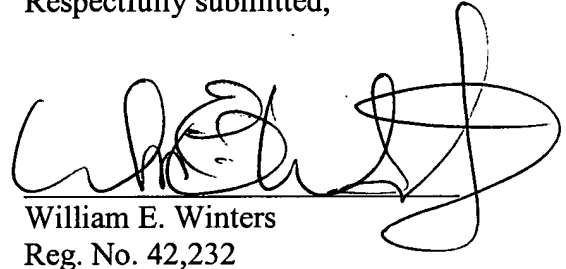
Claims 2-5, Claims 14 and 15, Claim 18, and Claim 19 depend from independent Claims 1, 13, 16 and 17, respectively. Accordingly, they derive patentability for depending on what appears to be allowable base claims. Reasons why the base claims are believed to be allowable over Hoashi et al. were provided in detail above. Applicant, requests, therefore, that the § 102 rejections of dependent Claims 2-5, 14, 15, 18 and 19, as allegedly being anticipated by Hoashi et al., be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner has any further questions or comments concerning the amendments made herein, he is encouraged to telephone the undersigned at 408-282-1857.

Respectfully submitted,



William E. Winters
Reg. No. 42,232

Dated: JANUARY 5, 2005

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 282-1857 Telephone
(408) 287-8040 Facsimile